

**REMARKS**

Claims 1 and 4-11 are pending.

Claims 1, 4-8 and 10-11 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Yamaguchi et al (US 6, 472, 019 B1) in view of Di Giaimo (US 3, 496, 134).

This rejection should be withdrawn because Yamaguchi et al and Di Giaimo do not disclose or render obvious the aqueous water- and oil-repellent dispersion or the textile or the method of treating a textile of the present invention, either alone or in combination.

In order to demonstrate the unexpectedly superior results provided by the present invention and the patentability of the present invention over Yamaguchi et al in view of Di Giaimo, Applicants submit herewith a Declaration under 37 C.F.R. § 1.132 executed by Mr. Takashi Enomoto.

The test results presented in the Declaration demonstrate that the combination of the epoxy compound (such as epoxidized soybean oil and epoxidized linseed oil) and the weakly basic compound (such as sodium hydrogen carbonate and sodium carbonate) provides good mechanical stability or chemical stability, and good water- and oil-repellency. Without the epoxy compound and the weakly basic compound, or with only one of the epoxy compound and the weakly basic compound, good mechanical stability or chemical stability and good water- and oil-repellency cannot be obtained. The aqueous water- and oil-repellent dispersion of the present invention has excellent properties.

Specifically, in the Declaration, Examples 1 to 10 and Comparative Examples 1 to 3 correspond to Examples 1 to 10 and Comparative Examples 1 to 3 of the present specification, respectively. Comparative Examples 4 and 5 correspond to Examples 11 and 12 disclosed in the present specification, respectively. The Declaration newly shows (i) Comparative Examples 6

and 7 and (ii) evaluation results of mechanical stability and chemical stability for the Examples and Comparative Examples. Comparative Examples 6 and 7 are the same as Comparative Examples 4 and 5, respectively, except that the amount of the epoxidized soybean oil or sodium hydrogen carbonate was changed to 10.7 g.

With respect to the comparison of Examples 1, 2, 5 and 6 of the invention (including both an epoxy compound and a weakly basic compound) with Comparative Examples 11 and 12 (containing either the epoxy compound or the weakly basic compound, respectively, but not both) in the Amendment under 37 C.F.R. § 1.116 filed May 30, 2008, the Examiner was of the view that the test data is not persuasive of patentability. In this regard, the Examiner points out that the Comparative Examples contained the HCl trapping compound in an amount different from the Examples of the invention, such that these were not side-by-side comparisons.

To address the Examiner's comment, Comparative Examples 6 and 7 were prepared in the Declaration, which contained the HCl trapping compound in the same amount as the Examples of the invention. As shown in Table 1 at page 9 of the Declaration, Comparative Examples 6 and 7 exhibited inferior mechanical stability and chemical stability, and inferior water- and oil-repellency, in comparison to the Examples of the present invention.

The Examiner further considered that the test data is not commensurate in scope with the invention as claimed.

In response, Applicants believe that the test results as set forth in Table 1 at page 9 of the Declaration, including Inventive Examples 1-10, is representative of the scope of present claim 1. As shown in the Table, Inventive Examples 1-10 provide for both superior mechanical stability or chemical stability and superior water- and oil-repellency, in comparison to Comparative Examples 1-7.

For the above reasons, it is respectfully submitted that the present invention is not obvious over Yamaguchi et al in view of Di Giaimo, and withdrawal of the foregoing § 103(a) rejection is respectfully requested.

Claim 9 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Yamaguchi et al in view of Di Giaimo and further in view of Snyder (US 3,617,188).

Claim 9 is patentable over Yamaguchi et al in view of Di Giaimo, and further in view of Snyder, for at least the same reasons that claims 1 and 8 are patentable over the cited references.

Allowance is respectfully requested. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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